

REMARKS

Claims 4 – 36 and 38 – 50 are in the instant application. Claims 4, 6, 11 – 33, 38 – 43 and 45 – 50 are amended to more positively recite applicants' patentably novel coated article. Claims 51 – 58 have been added to recite applicants' patentably novel coated article in varying scope. No claims are allowed.

Claims 40 and 42 are rejected under 35 U.S.C. 112, second paragraph. The Office Action alleges that claims 40 and 42 each refer to the first dielectric film of the first dielectric layer being the first film of an oxide of an alloy of zinc and tin; however, claims 40 and 42 each depends from a claim (15 and 17, respectively) that refers to another film being defined as the first film of an oxide of an alloy of zinc and tin.

Applicants respectfully traverse the rejection of claims 40 and 42 under 35 U.S.C. 112, second paragraph; however to eliminate this issue, claims 40 and 42 are amended to properly refer to the film of an oxide of an alloy of zinc and tin, referred to in the claims as an "alloy oxide film."

Support for the amendment to claims 40 and 42 is found, among other places, in the claims in the application. Based on the foregoing, applicants respectfully request admission of the amendment to claims 40 and 42, and withdrawal of the rejection of claims 40 and 42 under 35 U.S.C. 112, second paragraph.

Claims 25, 28, and 31 are rejected under 35 U.S.C 102(b) as being anticipated by Depauw et al., Great Britain Patent No. 2311540A (hereinafter also referred to as "Depauw").

Applicants respectfully traverse the rejection of claims 25, 28, and 31 under 35 U.S.C 102(b) as being anticipated by Depauw; however, to reduce the issues claims 25, 28 and 31 are amended to more positively recite applicants' patentably novel coated article. Support for the amendment to claims 25, 28 and 31 is found, among other places, in the claims presently in the application.

Based on the foregoing, applicants respectfully request admittance of the amendment to claims 25, 26 and 31 and consideration thereof.

Claims 25 and 31 recite, among other things, a second dielectric layer (claim 25) and a third dielectric layer (claim 31) each having, among other things, a first dielectric film having, among other things, at least one film which is a zinc oxide, tin oxide film or an oxide of a zinc and tin alloy ("alloy oxide film"), and a second dielectric film having a composition different than the first dielectric film. The second dielectric film optionally includes an alloy oxide film. The alloy oxide film of the first dielectric film is only present in the dielectric layer when the alloy oxide film of the second dielectric film is present in the layer, and the alloy oxide film of the second dielectric film is only present in the dielectric layer when at least the alloy oxide film of the first dielectric film or the zinc oxide, tin oxide film of the first dielectric film is present in the dielectric layer;

There is no discussion in Depauw of applicants' second and/or third dielectric layers having a zinc oxide, tin oxide film, or two alloy oxide films of different compositions, or a zinc, tin oxide and an alloy oxide film. Although Depauw discusses films that maybe used, Depauw only uses zinc oxide and tin oxide films in the examples.

Claim 28 recites a coated article having, among other things, a third dielectric layer that has, among other things, a first dielectric film of zinc oxide, tin oxide film of an alloy oxide film and a second dielectric film that has a composition different than the first dielectric film. There is no discussion in Depauw of a zinc oxide, tin oxide film. Depauw discusses zinc stannate as being a suitable film page 7, lines 9 – 15, of Depauw; however, Depauw does not discuss how the film of zinc stannate can be used to attain the optical properties of the Depauw coated article or what the composition of the alloy would be. It is clear from a reading of Depauw that the mention of zinc stannate is an invitation to invent and is not a discussion of the practice of the Depauw invention.

Based on the foregoing, applicants respectfully request withdrawal of the rejection of claims 25, 28, and 31 under 35 U.S.C 102(b) as being anticipated by Depauw and request allowance of claims 25, 28 and 31.

Claims 4 – 24, 26, 27, 29, 30, 32 – 36 and 38 – 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Depauw in view of Gillery

U.S. Patent No. 4,610,771 (hereinafter also referred to as "Gillery"). The Office Action alleges that Depauw teaches a coating for a transparent substrate as discussed above, including multiple films. The Office Action states that Depauw does not teach specific contents of the zinc oxide/tin oxide layers and alleges that Gillery teaches films of metal alloys for use in antireflection film in combination with metallic films such as silver. The Office Action continues by alleging that absent a showing of unexpected results, it would have been obvious to one of ordinary skill in the art to use a zinc and tin oxide layer having the composition taught by Gillery in the coating of Depauw.

Applicants respectfully traverse the rejection of claims 4 – 24, 26, 27, 29, 30, 32 – 36 and 38 – 50 under 35 U.S.C. 103(a) as being unpatentable over Depauw in view of Gillery and request reconsideration thereof.

Claims 5 – 24 and 38 – 47 are either directly or indirectly dependent on claim 4; claims 26, 27 and 48 are either directly or indirectly dependent on claim 25; claims 29, 30 and 49 are either directly or indirectly dependent on claim 28, and claims 32 – 36 and 50 are either directly or indirectly dependent on claim 31.

Claims 25, 28, 31, 40 and 42, and Depauw were discussed above.

Claims 4, 6, 11 – 24, 26, 27, 29, 30, 32, 33, 38, 39, 41, 43 and 45 – 50 are amended to more positively recite applicants' patentably novel coated article. Support for the amendments to the claims is found, among other places, in the claims on file. Based on the foregoing, applicants respectfully request admittance of the amendment to the claims and reconsideration of claims 5 – 24, 26, 27, 29, 30, 32 – 36 and 38 – 50.

Applicants have shown above that Depauw fails to teach the coating recited in applicants' claims 25, 28 and 31. The discussion in Gillery regarding the composition of the zinc stannate coating does not cure the defects in Depauw discussed above.

Claim 4 recites, among other things, a first dielectric layer having a first dielectric film and a second dielectric film. The second dielectric

film includes, among other things, at least one zinc oxide, tin oxide film and an alloy oxide film. As was discussed above, Depauw mentions that a film of an oxide of a zinc tin alloy, e.g. the zinc stannate film discussed in Gillery may be used. This discussion in Depauw is an invitation to invent because Depauw has not provided any information on how the zinc stannate film would be used to achieve the properties of the articles of Depauw or the composition of the zinc stannate film need to attain the properties of the Depauw coated article.

Based on the foregoing, applicants respectfully request withdrawal of the rejection of claims 4 – 24, 26, 27, 29, 30, 32 – 36 and 38 – 50 under 35 U.S.C. 103(a) as being unpatentable over Depauw in view of Gillery and request allowance thereof.

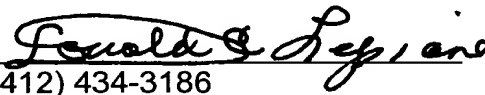
Applicants by this amendment have added new claims 51 – 58. Support for the new claims 51 – 58 is found, among other places, in the claims on file. The arguments put forth to patentably distinguish claims 4, 25, 28 and 31 over the art are applicable, among others, to patentably distinguish claims 51 – 58 over similar art.

Based on the foregoing, applicants respectfully request admission, consideration and allowance of claims 51 – 58.

This amendment represents a sincere effort to place the application in condition for allowance. In the event issues remain, the Examiner is invited to call the undersigned to discuss those issues before further action is taken on the case.

Respectfully submitted,

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